

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

GRANT BOYD,

Plaintiff

v.

MIKE AUSTIN, Plymouth

County Sheriff's Department, et. al.

Defendants

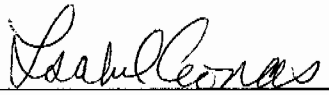
CA05-10873 RWZ

**Affidavit of Counsel**

I, Isabel Eonas, do hereby depose and state the following based on information and belief:

1. Plaintiff, Grant Boyd, filed his complaint with the Plymouth County Superior Court on March 30, 2005;
2. Defendants, Plymouth County Sheriff's Department et al, filed an Answer to Plaintiff's complaint with the Plymouth County Superior Court on April 22, 2005;
3. Defendant, US Marshall Service, removed Plaintiff's action to the US District Court on April 28, 2005;
4. Defendants, Plymouth County Sheriff's Department et al, filed a motion to enlarge the time for answer or response to June 27, 2005 with the intention of responding with a motion to dismiss on or before June 27, 2005. This motion to enlarge was allowed by the court on May 23, 2005;
5. Defendants, Plymouth County Sheriff's Department et al, filed a motion to dismiss with the US District Court on June 27, 2005 and served same on Plaintiff;
6. Plaintiff's motion states that a default judgment should enter against Defendants, Plymouth County Sheriff's Department, based on Defendants' failure to file an answer to Plaintiff's complaint. This assertion fails since Defendants filed an answer in the Plymouth County Superior Court and a Motion to Dismiss in the US Federal Court.

Signed under the pains and penalties of perjury, this 13<sup>th</sup> day of July, 2005.

  
Isabel Eonas

**CERTIFICATE OF SERVICE**

I certify that on this 13<sup>th</sup> day of July, 2005 I served the within motion in opposition to Defendant's motion for default judgment and affidavit in support on:

Grant Boyd *pro se*  
P.O. Box 180278  
Boston, MA 02118-0278

Eugenia M. Carris, Asst. U.S. Attorney  
Office of the U.S. Attorney  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210

Signed under the pains and penalties of perjury.

  
Isabel Eonas, Deputy General Counsel